HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 7489 of 2005

Dated: 24th October, 2005

Between:

P.Venkatesham, S/o.late Ooshaiah, Business,

R/o.Shamshabad village, R.R.District.

..... PETITIONER

AND

1.The Joint Collector-II, Ranga Reddy District and another.

.....RESPONDENTS

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 7489 of 2005

ORDER:

This writ petition has been filed by P.Venkatesham assailing the order of the Joint Collector-II, Ranga Reddy District/1st respondent, passed in case No.F1/1005/2004, dated 03.03.2005, whereby and whereunder the appeal filed by the writ petitioner came to be dismissed.

2. Petitioner claims occupancy rights in respect of Survey Nos.188, 191, 642, and 698 admeasuring 0.31.20 guntas. He submitted application before the Revenue

Divisional Officer, Chevella Division, Ranga Reddy District/2nd respondent, seeking rectification of the name in the proceedings No.L/479/2000, dated 12.02.2002 in respect of entry No.18 therein. It is his case that the name of Peddagandu Narsimha son of Jangaiah has been mistakenly mentioned as a person entitled for occupancy rights under Section 4 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, (for short, 'the Act'). Since no action has been taken on his application by the Revenue Divisional Officer, Chevella Division/2nd respondent, he filed an appeal before the District Collector, Ranga Reddy District. Thereupon, a memo came to be issued to the petitioner on 17.11.2004 directing him to file the following documents:

1. Copy of Sethwar/Wasool Baqui/Classer Register/Khasra Pahani (anyone);
2. Pahani extracts with crop particulars from 1971 to 1977.
3. Latest Pahani.
4. Who are in possession of the suit land as on the date of filing of the appeal with supporting documents?
5. Other supporting documents.

Ultimately the appeal filed by the writ petitioner came to be dismissed on 03.03.2005 by the Joint Collector-II, Ranga Reddy District/1st respondent. The order passed in the appeal reads as follows:

> "The appellant nor the counsel for the appellant has not explained the delay of (930) days in preferring the present appeal. This is a matter pertaining to abolition of Inams i.e., Occupancy Right Certificate, which was issued. This should have been brought an appeal much earlier.
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> In view of the above the delay of (930) days in preferring the appeal cannot be condoned, moreover the appellant and his counsel are also absent as on the day of hearing hence the appeal is dismissed on the limitation."

Assailing the said order, the petitioner has chosen to approach this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

3. Heard learned counsel appearing for the petitioner and learned Government

Pleader for Revenue appearing for the respondents.

4. Learned counsel appearing for the petitioner submits that the name at Sl.No.18 in the proceedings of the Revenue Divisional Officer, Chevella Division, Ranga Reddy District/2nd respondent has been wrongly mentioned as Peddagandu Narsimha and instead the name of the petitioner ought to have been mentioned. He further submits that the appellate authority i.e. Joint Collector-II, Ranga Reddy District/1st respondent has not assigned any valid reasons for dismissing the appeal filed by the petitioner.

5. The Revenue Divisional Officer, Chevella Division, Ranga Reddy District/2nd respondent under his proceedings No.L/479/2000, dated 28.02.2002, issued occupancy rights certificate in favour of various persons under the provisions of sub-section (3) of Section 4 of the Act. It is the contention of the petitioner that his name ought to have been mentioned at S.No.18 of the proceedings and therefore, sought for substitution of his name in place of Peddagandu Narsimha. If the petitioner is entitled for grant of occupancy rights certificate, he has to establish his right under the provisions of the Act. Therefore, the application filed by the petitioner for substitution of his name in the proceedings issued by the Revenue Divisional Officer, Chevella Division/2nd respondent in place of Peddagandu Narsimha is misconceived. If at all he is entitled for any occupancy rights under the provisions of the Act, he is at liberty to make an application before the authorities concerned and thereupon the concerned authorities have to consider his application according to the provisions of the Act and pass appropriate orders thereon within three months.

6. Accordingly, the writ petition is disposed of. No costs.

B.SESHASAYANA REDDY, J.

Dated: 24th October, 2005.

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